



116-148

3207

PATENT

#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Brian M. Adams, et al.

Serial No.: 08/441,322 ✓

Filed: May 15, 1995

For: SPILL-REDUCTION CAP FOR FLUID
CONTAINER

Examiner: S. Cronin

Art Unit: 3207

TERMINAL DISCLAIMER

April 7, 1997

250 JJ 04/23/97 08441322
1 148 110.00 CKAssistant Commissioner for Patents
Washington, D.C. 20231

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 CFR 1.321(b))
and CERTIFICATE UNDER 37 CFR 3.73(b)**

Name(s) of disclaimant(s): Julian Caplan

Residing at: Flehr, Hohbach, Test, Albritton & Herbert
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San Francisco, CA 94111-4187

represent that I am

- ☐ an inventor of this invention
- ☐ an assignee of this invention
- ☒ a representative authorized to sign on behalf of the assignee identified below.

The undersigned certifies the assignee listed below is the assignee of the entire right,
title and interest in the Patent Application identified above by reason of the following:

Identity of Assignee and Title of Disclaimant (if applicable)

The assignee is Portola Packaging, Inc., A Delaware corporation.

Name of assignee: Portola Packaging, Inc.
Address of assignee: 890 Faulstich Court
San Jose, CA 95112

Title of disclaimant: Attorney for applicants, authorized to sign on behalf of assignee

Recordal of Assignment in PTO

- ☒ the assignment was recorded on: July 7, 1995
Reel 7671
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☐ authorization for recordal of the assignment is separately attached

Extent of Interest

The extent of my (our) interest is in

- ☒ the whole of this invention
☐ a sectional interest in this invention as follows (here state the exact interest of the disclaimant(s):

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Disclaimer

I hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

- ☒ United States Patent No. 5,513,763, as presently shortened by any terminal disclaimer.
☐ Any patent granted on application number 08/____, filed _____,

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

- ☒ United States Patent No. 5,513,763
☐ Any patent granted on application 08/____, filed _____,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

- ☒ United States Patent No. 5,513,763, as presently shortened by any terminal disclaimer
☐ Any patent granted on application number 08/____, filed _____,

in the event that it later; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

TITLE TO PRIOR PATENT/APPLICATION

Assignment of said

- ☒ U.S. Patent No. 5,513,763
☐ Any patent granted on application number
08/_____

is evidenced by Assignment recorded on July 7, 1995

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The undersigned has reviewed all the documents in the chain of title of the patent applications identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

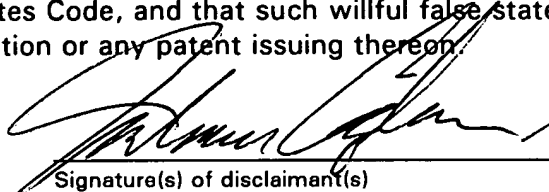
Fee Status (37 CFR 1.20(d) and 37 CFR 1.321)

- ☒ other than a small entity--fee \$110.00
☐ small entity--fee \$55.00
☐ verified statement attached
☐ verified statement filed on _____

Fee Payment

- ☒ Attached is a check in the sum of \$110.00
☐ Charge Account 06-1300 the sum of \$_____.
A duplicate copy of this disclaimer is attached.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Signature(s) of disclaimant(s)

Julian Caplan, Attorney for Applicants

Reg. # 14,785